STATE OF ARIZONA

OCT 2 9 1999

DEPARTMENT OF INSURANCE

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In the Matter of the Withdrawal of:) Docket No. 99A-192-INS
COMERICA INSURANCE COMPANY) ORDER
(NAIC No. 91243),)
Petitioner.)
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On October 26, 1999, the Office of Administrative Hearings, through Administrative Law Judge Lewis D. Kowal, issued a Recommended Decision of Administrative Law Judge ("Recommended Decision"), a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

- 1. The recommended Findings of Fact and Conclusions of Law are adopted.
- 2. The Petitioner may file its Articles of Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission.
- 3. The Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00. Petitioner's statutory deposit shall be released to Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Amendment certified as having been filed with the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt Form E101.
- 4. The sum of \$100.00 previously credited to the Insurance Examiners Revolving Fund shall be refunded to the Petitioner, pursuant to A.R.S. §20-159.

5. The Petitioner shall file its 1999 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Article of Amendment with the Arizona Corporation Commission on or before December 31, 1999. **NOTIFICATION OF RIGHTS** Pursuant to A.R.S. § 41-1092.09, the aggrieved party may request a rehearing with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days of the date of this Order, setting forth the basis for relief under A.A.C. R20-6-114(B). The final decision of the Director may be appealed to the Superior Court of Maricopa County for judicial review pursuant to A.R.S. §§ 12-904 and 20-166. A party filing an appeal must notify the Office of Administrative Hearings of the appeal within ten days after filing the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B). DATED this Charles R. Cohen Director of Insurance COPY of the foregoing mailed this 29th day of October, 1999 to: 18 Sara M. Begley, Deputy Director Mary Butterfield, Assistant Director 19 Catherine O'Neil, Consumer Legal Affairs Officer Gary Torticill, Assistant Director 20 Deloris Williamson, Assistant Director Scott Greenberg, Business Administrator Department of Insurance 2910 North 44th Street, Suite 210 22 Phoenix, Arizona 85018

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Office of Administrative Hearings

Office of Administrative Hearings 1400 West Washington, Suite 101 - Phoenix, Arizona 85007 Telephone (602)-542-9826 FAX (602)-542-9827

Jane Dee Hull Governor

Cliff Vanell Director

October 27, 1999

ARIZ. DEPT. OF INS. OCT 2 8 1999

Charles R. Cohen, Director Department of Insurance 2910 North 44th Street, Ste. 210 Phoenix, AZ 85018

ATTN: Curvey Burton

Re: 99A-192-INS

In the Matter of the Withdrawal of

COMERICA INSURANCE COMPANY (NAIC No. 91243),

Petitioner.

Dear Mr. Cohen:

Please find the decision of the Office of Administrative Hearings for the above entitled matter.

Sincerely



Mission Statement: We will contribute to the quality of life in the State of Arizona by fairly and impartially hearing the contested matters of our fellow citizens arising out of State regulation.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Withdrawal of

No. 99A-192-INS

COMERICA INSURANCE COMPANY (NAIC No. 91243),

RECOMMENDED DECISION
OF ADMINISTRATIVE
LAW JUDGE

Petitioner.

HEARING: October 18, 1999

APPEARANCES: Werner Meyer, Esq. on behalf of Petitioner; Kurt Regner on behalf of the Arizona Department of Insurance

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

On October 18, 1999, a hearing took place to consider the application of Comerica Insurance Company (the "Petitioner"), to withdraw from the insurance business and for the release of its statutory deposit pursuant to A.R.S. §20-588 and A.A.C. R20-6-303.

Based upon the entire record in this matter, the following Findings of Fact, Conclusions of Law and Recommended Order are made:

FINDINGS OF FACT

- 1. Petitioner has surrendered its certificate of authority to the Arizona Department of Insurance ("Department").
- 2. Petitioner has filed with the Department certified copies of Resolutions of the Petitioner's Board of Directors and of the Petitioner's shareholder(s) to withdraw from the insurance business, to amend its articles of incorporation to eliminate its insuring powers, and to adopt a new corporate name which shall not include the word "insurance".

Office of Administrative Hearings 1400 West Washington, Suite 101 Phoenix, Arizona 85007 (602) 542-9826

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- 1. Petitioner has no insurance obligations owing to it, whether by policies written direct or by reinsurance ceded to it.
- 2. Petitioner has filed its certified financial statement as of July 31, 1999, with the Department.
- 3. At least ten business days before the hearing of this matter, Petitioner gave special notice to creditors and policyholders of the Petitioner, setting forth the date, place, nature and purpose of the hearing, as evidenced by an affidavit of publication. Petitioner also provided individual notice by mail to its known creditors, as evidenced by an affidavit.
- 4. Petitioner has a \$100,000.00 statutory deposit with the Department and a \$100.00 deposit with the Insurance Examiners' Revolving Fund ("IERF").
- 5. Petitioner waived the notice requirements set forth in A.R.S. §41-1092.05(D)

CONCLUSIONS OF LAW

Petitioner has complied with the provisions of A.R.S. §20-588 and with A.A.C. R20-6-303, relating to the release of its \$100,000.00 statutory deposit.

RECOMMENDED ORDER

- 1. Petitioner may file its Articles of Amendment to its Articles of Incorporation ("Articles of Amendment") with the Arizona Corporation Commission.
- 2. Petitioner is entitled to the release of its statutory deposit in the sum of \$100,000.00 and Petitioner's statutory deposit shall be released to Petitioner after the Department has received the following: (a) a copy of Petitioner's Articles of Amendment certified as having been filed with the Arizona Corporation Commission; and (b) a fully executed Form E126 (Notice of Trust Deposit Release). The statutory deposit cannot be released until the Department receives a fully executed copy of the official State Treasurer Release Receipt Form E101.
- 3. The sum of \$100.00 previously credited to the IERF shall be refunded to Petitioner, pursuant to A.R.S. §20-159.

4. Petitioner shall file its 1999 Annual Statement with the Department, together with all applicable fees, unless Petitioner files its Articles of Amendment with the Arizona Corporation Commission on or before December 31, 1999.

Done this day, October 26, 1999

Lewis D. Kowal

Administrative Law Judge

Original transmitted by mail this day of 1000 , 1999, to:

Department of Insurance Mr. Charles R. Cohen 2910 North 44th Street, Ste. 210 Phoenix, AZ 85018

ATTN: Curvey Burton